

1
2
3
4
5
6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 ALONZO DEON JOHNSON,

10 Petitioner,

No. CIV S-03-2063 RBB JFM P

11 vs.

12 CLAUDE E. FINN, Warden,

13 Respondent.

14 _____/

15 DARRYL THOMPSON,

16 Petitioner,

No. CIV S-04-2208 RBB JFM P

17 vs.

18 TOM L. CAREY, Warden,

ORDER

19 Respondent.

20 _____/

21 Petitioners are state prisoners proceeding pro se and in forma pauperis with
22 applications for writs of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioners' motion to
23 compel discovery came on for hearing on shortened time on December 6, 2007. David M.
24 Porter, Assistant Federal Defender, appeared for petitioners. Quendrith L. Macedo, Deputy
25 County Counsel appeared for subpoena recipient Ronald Freitas, Esq (hereafter "County").
26 Robert Todd Marshall, Deputy Attorney General, appeared on behalf of respondents. Upon

1 review of the motion and the documents in support and opposition, upon hearing the arguments
2 of counsel and good cause appearing therefor, THE COURT ORDERED AS FOLLOWS:

3 Petitioner's motion to compel production of documents is partially granted.
4 County's objections to the production are overruled for the reasons set forth in this court's order
5 of October 31, 2007. Good cause appearing, the County will be ordered to produce the
6 documents responsive to the subpoena duces tecum served on November 13, 2007 no later than
7 close of business January 7, 2008.

8 In light of the above, the evidentiary hearing will be continued from December 18,
9 2007 to Tuesday, February 5, 2008, at 10:00 a.m. in an 8th floor courtroom to be assigned.

10 IT IS HEREBY ORDERED that:

11 1. Petitioners' November 30, 2007 motion to compel discovery is partially
12 granted.

13 2. County's objections are overruled; by close of business January 7, 2008,
14 County shall provide the documents responsive to the subpoena duces tecum.

15 3. The evidentiary hearing is continued from December 18, 2007 to February 5,
16 2008 at 10:00 a.m. in an 8th floor courtroom to be assigned.

17 4. The Clerk of the Court is directed to change the caption on the docket for case
18 number CIV S-04-2208 from Thompson v. United States to Thompson v. Tom L. Carey,
19 Warden.

20 DATED: December 10, 2007.

21
22 
23 UNITED STATES MAGISTRATE JUDGE

24 /001;john2063.oah
25
26